

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:12-CV-270-D

YVETTE ISKANDER,

Plaintiff,

v.

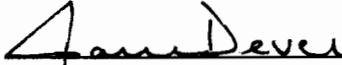
DEPARTMENT OF THE NAVY, and
RAYMOND MABUS, Secretary,

Defendants.

ORDER

On January 28, 2013, defendants submitted a motion to dismiss or, in the alternative, for summary judgment [D.E. 15] along with a supporting memorandum [D.E. 16] and exhibits [D.E. 17]. It is the responsibility of the party seeking summary judgment to present to the court the basis for the motion and to identify the parts of the record which demonstrate the absence of a genuine issue of material fact. See Fed. R. Civ. P. 56(c); Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986). The record is incomplete. Defendants allege, inter alia, that plaintiff did not exhaust administrative remedies. Defendants have failed to provide sufficient records of the administrative proceedings to allow the court to rule on their motion. Accordingly, defendants' motion [D.E. 15] is DENIED WITHOUT PREJUDICE. Defendants may resubmit a motion properly supported, no later than July 14, 2013. Plaintiff may respond in accordance with this court's local rules.

SO ORDERED. This 12 day of June 2013.


JAMES C. DEVER III
Chief United States District Judge